

SPEECH

OF

47

HON. LEWIS CASS, OF MICHIGAN,

IN SENATE OF THE UNITED STATES, MARCH 13 AND 14, 1850,

On the Compromise Resolutions of Mr. BELL, of Tennessee, and the proposition to refer them to a Select Committee.

Mr. CASS said: On this subject, sir, I agree precisely with what was said by the distinguished Senator from Kentucky, [Mr. CLAY.] I shall vote for the reference. I should vote for almost any proposition that had the appearance of bringing this country into harmony upon this perplexing question—almost any proposition that may be submitted, that has even the appearance of such a result. I do not see any possible objection to this course. It commits no one. It is simply an instruction to a committee to inquire into what can be done.

It does not suspend the operations of the Senate at all. Its discussions, its debates, its votes, will go on, as though this question had not been submitted to a committee. It is one chance more for terminating this fearful controversy. I agree, too, with the Senator from Kentucky, that my hopes are not strong, as to any favorable result to grow out of this committee. The chances have been much diminished by the vote taken on yesterday. If that vote contained any indication of the feeling in this chamber, with regard to the committee itself, and the benefit to result from it, I am sorry to say, that I can anticipate very little good from the proposition of the Senator from Mississippi, [Mr. FOOTE,] relative to the resolutions prepared with great care, and submitted with great good sense and excellent good feeling such as have always distinguished the Senator from Tennessee, [Mr. BELL.] For myself, I am not prepared to say, what my views will be upon this whole matter. They are not yet formed. I say, merely, that this course holds out one hope the more, and is, therefore, well worthy of adoption. So far as respects the proposition connected with Texas, I am myself prepared to consider it in a spirit of fairness and liberality. The honorable Senator from Tennessee [Mr. BELL] said, that a doubt has been suggested with respect to the disposition of this Senate, and perhaps of the country, to carry into effect the Texas guarantees. I believed, that that gentleman was wholly in error. I am sorry to find, from various indications here, that he was not. For myself, without going into the general question at all, I am prepared to say, that as long as I have a vote to give, I will faithfully carry out the spirit of the articles of annexation; and I will not look behind their guarantees. I will abide by them, and I am prepared at all times to say so.

But however this proposition may terminate, I think the country is under lasting obligation, to the Senator from Mississippi for his efforts to

adjust the existing difficulties. While he has proved himself true to his own section of the country, he has proved himself true to the whole country. He has stood up manfully for the rights of the South, but he has stood up, also, for the obligations of the Constitution. And I must say, too, that I have seldom seen an instance of greater moral courage, than has been displayed by him. The distinguished Senator from South Carolina occupies, we all know, a high position in the country; and from the zeal, and energy, and ability, with which he has long advocated the cause of the South, he has almost rendered himself the representative of southern opinions. When, in the name of that section of country, he advanced claims which, if persisted in, would have presented insurmountable obstacles to the amicable adjustment of these difficulties, the Senator from Mississippi came forward to disavow the sentiments thus advanced. He came as a messenger of peace, to pour oil upon the troubled waters. He deserves the gratitude of the country for this noble effort. I must confess, my own impressions agreed with the impressions of the honorable Senator from Mississippi. I thought the speech of the Senator from South Carolina was calculated to produce the most unfavorable results.

I listened, Mr. President, with great regret, to the speech of the distinguished Senator from South Carolina, [Mr. CALHOUN.] I am not going to criticise it—my great respect for that gentleman will prevent me from doing so. I will merely say, that there was a strange collection of facts, as well as a strange collocation of them, and that these were followed by strange conclusions. I think, Mr. President, I may say, and I imagine this feeling is general in the Senate, that a sombre hue pervaded his whole speech, in consequence of its being prepared in the recesses of a sick chamber. Had he been able to walk abroad in the light of heaven, and felt the breezes blowing upon him, I am sure his remarks would not have been as gloomy, nor the results as desponding. We have all felt this, sir, and know how to sympathize with him.

I repeat, that I am not going to criticise the speech of the honorable Senator; but there was one expression, I remember, which grated harshly upon my ear. He denominated Washington the *illustrious southerner!* Not the renowned warrior—not the eminent statesman—not the distinguished citizen—not the great American—not the beloved Virginian—but the *illustrious southerner!* Our

Washington—the Washington of our whole country—receives in this Senate the epithet of “southerner,” as if the glory of his name and fame could be divided or assigned to a single section of his beloved country—as if that great man, whose distinguished characteristic was his attachment to his country, and his whole country, as is so well known, and who, more than any one, deprecated all sectional feeling and all sectional action—loved Georgia better than he loved New Hampshire, because he happened to be born on the southern bank of the Potomac. I repeat, sir, that I heard with great pain, that expression from the distinguished Senator from South Carolina.

I heard the disavowal of the honorable Senator from Mississippi [Mr. FOOTE] with the more gratification, because it was followed by an explanation from the Senator from South Carolina, [Mr. CALHOUN,] which, though it did not remove my apprehensions, certainly diminished them. If the impression which I, as well as many others, received, respecting the nature of these propositions, had been correct, the handwriting was already upon the wall. “God hath numbered thy kingdom and finished it,” announced with no more certainty to the wondering King of Babylon the destruction of his empire, and the termination of his life, than would these propositions—if the continuance of our Union depended upon their adoption—have announced that, “God hath numbered our Republic and finished it.” To what new Medes and Persians we should have been delivered, is known only to Him, who holds in his hands the fate of nations.

We have been three months here, and what have we done? Nothing. We have not passed a single law of the least national importance. We have occupied the whole time by the discussion of this question, and no practical result has been attained; and present appearances do not indicate, that such a result is near. But, though we have done nothing, we have ascertained that some things cannot be done. We have ascertained (I think I may say with certainty) that no Wilmot proviso can be passed through this Congress. That measure is dead. It is the latest, and I hope it will be the last, attempt that will be made to interfere with the right of self-government within the limits of this Republic. I think we may also say, that no Missouri compromise line can pass, and that no one expects or desires that it should pass.

Mr. President, what was that compromise line? Allow me to read the law which established it:

“*Sec. 8. And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited.”

Now, sir, what is that provision? It is intervention north of the line of $36^{\circ} 30'$, and non-intervention south of that line. Why, sir, there is not one southern Senator on this floor, and not one southern member of the other house, nor indeed a southern man anywhere, who understands the subject, who would accept that line as a proper settlement of this question.

Mr. FOOTE, (in his seat.) I would not.

Mr. CASS. Sir, the whole doctrine of equal rights and of non-intervention is taken away by it

at once. Putting out of view the constitutional objections to such an arrangement, it gives the South nothing, while it prohibits the people north of $36^{\circ} 30'$ from exercising their own will upon the subject. The true doctrine of non-intervention leaves the whole question to the people, and does not divide their right of decision by a parallel of latitude. If they choose to have slavery north of that line, they can have it.

Mr. CALHOUN, (in his seat.) We are very competent to judge of that matter ourselves.

Mr. CASS. Is there a Senator on this floor, who would accept a proposition to apply the principle of non-intervention to a part of the territory, leaving to the people of the other portion to do as they please? No, sir; there is not a southern Senator here who would vote for it. I will tell you, what would be voted for, because it has already been announced—a law declaratory, mandatory, or permissive, for the establishment of slavery south of the line of $36^{\circ} 30'$. The distinguished Senator from South Carolina might be willing to accept a declaration, that slavery does now exist, or that it shall exist, or may exist, south of a certain line; but I take it for granted, that no Senator from the South would be willing to abandon the ground of non-intervention, without some provision like that.

Mr. FOOTE. Permit me freely to say, that I would no sooner vote for a southern Wilmot proviso, than I would for a northern one. I rely, and am content to rely, upon the Constitution. I was not convinced by the argument of the Senator from South Carolina, of the necessity, or expediency of going further than that. I rely with entire confidence, upon our rights under the Constitution, and the treaty by which the territories were acquired. I ask for no legislation upon the subject, but simply that the whole matter be let alone. I ask nothing but the doctrine of non-intervention.

Mr. CASS. Mr. President, I will not argue this point. I was about to say, that what the law is, is a question for the decision for the judiciary; but what the law shall be, it belongs to the legislative department to declare. If we have the power to pass a law declaring the existence of slavery, which is to be attended with any practical result, we necessarily possess jurisdiction over the whole subject-matter. We have the same power to pass a mandatory law, commanding the existence of slavery, as a declaratory one, recognizing its existence. And I will appeal to every Senator, northern or southern, eastern or western, if there is any probability—I may say, possibility—of such a law passing this Congress? No one asks it—no one expects it. The Missouri compromise line is, therefore, as much out of the question as the Wilmot proviso. The fact is, Mr. President, it is in no way applicable to the existing state of things, though it was applicable to the country where it was established, because slavery was there an existing institution, and it was left in force south of $36^{\circ} 30'$. Insuperable objections, therefore, exist to such an arrangement, where the condition of the country is entirely changed.

Well, then, Mr. President, if these things are impossible—if they cannot be done—it remains to inquire what it is in our power to do.

My own opinion is, sir, that we should take up the bill for the recapture of fugitive slaves, reported

by the Judiciary Committee. I am disposed to suspend all our discussions, and to lay aside all other business, with a view to act upon that bill, without unnecessary delay, and to pass it in such form as may be acceptable to a majority of this body. That is a point upon which the South feels most acutely, and in regard to which it has the most serious cause of complaint. I have heard but one man in this body deny the existence of this evil, or the justice and necessity of providing an adequate remedy.

The act of 1793 provided that the State magistrates in the various cities and counties of the Union should carry that law into effect. This provision has been since rendered nugatory, as these officers will not now act, and consequently the judges of the United States alone have jurisdiction over the subject. They are not enough for that purpose, and the law, therefore, requires an amendment. I, for one, am willing to take up the subject, and provide the necessary means of carrying the provision of the Constitution into full effect. Such a procedure would have the very best effect upon the South at this time. It would be a pledge of our sincerity, and of our desire to do justice to that great section of our common country.

If I understood the Senator from New York, [Mr. SEWARD], he intimated his belief that it was immoral to carry into effect the provision of the Constitution for the recapture of fugitive slaves. That, sir, is a very strange view of the duties of a Senator in this body. No man should come here, who believes that ours is an immoral Constitution; no man should come here, and, by the solemn sanction of an oath, promise to support an immoral Constitution. No man is compelled to take an oath to support it. He may live in this country, and believe what he chooses with regard to the Constitution; but he has no right, as an honest man, to seek office, and obtain it, and then talk about its being so immoral, that he cannot fulfill its obligations. It is the duty of every man, who has sworn to support the Constitution, fairly to carry its provisions into effect; and no man can stand up before his fellow-citizens, and maintain any other doctrine, whatever reasons he may urge in his vindication.

In one of the most disingenuous portions of the speech of the honorable Senator from New York, [Mr. SEWARD]—which itself was one of the most disingenuous I have ever heard—he speaks of “slavery having a reliable and accommodating ally in a party of the free States,” and he says he “bears witness to its fidelity to the interests of slavery.”

Now, I ask the Senator from New York, if he believes there is a man in this Senate from the North, whose course is influenced by his fidelity to slavery; and if he does, what right he has to cast odium upon gentlemen, who are associated with him in the high duties which belong to our position?

Mr. SEWARD. The Senator addresses a question to me, and I rise for no other purpose than to answer it. I think it was Mr. Jefferson who said that the natural ally of slavery in the South, was the Democracy of the North.

A SENATOR. It was Mr. Buchanan.

Mr. SEWARD. I have heard it attributed to Mr. Jefferson. However this may be, I believe

it. I assail the motives of no Senator. I am not to be drawn into personal altercations by any interrogatories addressed to me. I acknowledge the patriotism, the wisdom, the purity of every member of this body. I never have assailed the motives of honorable Senators in any instance, I never shall. When my own are assailed, I stand upon my own position. My life and acts must speak for me. I shall not be my own defender or advocate.

Mr. FOOTE. Do I understand the Senator from New York as saying Mr. Jefferson asserted that the northern Democracy was the natural ally of slavery? He never said such a word.

Mr. CASS. I will not touch upon that question; but I will ask the Senator from New York in relation to another point—and that is, if he meant it in the sense which Mr. Jefferson, or whoever may have used it, intended? The one was intended as a commendation for their attachment to constitutional principles—the other as a slur upon a great party.

Mr. SEWARD. I answer promptly and freely: I had no purpose of casting reproach upon, or of reflecting upon, any member of this body, or upon any person anywhere. The remark had no such connection. I ask leave now to say, that such as I described, is, in my view, the political organization of the parties of this country; that slavery has the support, the toleration (given honestly, and from patriotic motives, I admit) of the party to which I referred; and that its alliance with slavery constitutes its tower of strength. On the other hand, the party to which I belong, is a party which is more distinctly identified with the progress of the sentiment of freedom or emancipation, and therefore it is weaker in its alliances with the South. I again disavow, as I always shall, any reflection upon the conduct of Senators here. I know the motives which govern me. I have no reason to question—I never do question—the motives of others with whom I am associated.

Mr. DAWSON, (interposing.) Will the Senator permit me to inquire if I understood him to say this, that these were the sentiments of the party to which he belongs? I want to know if he claims to belong to the Whig party? [Laughter.] If he does, it will be known to every true Whig that I do not belong to his party; and I hope that when he speaks for the party to which he belongs, he will not put under his banner the Whig party of the United States, the conservative party of this country, together with the Democratic party, which I admit to be conservative, too.

Mr. SEWARD. I will not detain the honorable Senator from Michigan with categorical replies to my friend from Georgia, [Mr. DAWSON.] I pretend to speak no man's sentiments, and for no man but myself. I am a citizen of the United States. My duty is to promote the welfare, interest, and happiness of the people of the United States; and I hold that I can do so in no effectual way by going alone and independent. That is always the error of schismatics. Therefore, in the discharge of my duty, I ally myself to such a party as I find most approximate to the principles and sentiments that I entertain. I will do the Whig party the justice or the injustice to say, that I have been a member of it all my active life; and I will do it the great disservice to say, that no matter what may happen, and who may put me under the ban, I shall be the last to leave it, how-

ever individuals may disown me, or the principles I maintain. I shall adhere to it, because I think, of the two great parties, it is the most devoted to the cause of freedom and emancipation. I will, however, do the Whig party the justice, if it be such, to say, that these sentiments of mine upon that point, are not in accordance with the sentiments of that party throughout the whole country—that I do not profess to speak for it, but for myself alone. I have, however, great hopes that the Whig party, and the party claiming to be the party of progress, to which I refer, and ultimately all parties, will come to precisely the same conclusions which are the guide and governing principles of my own conduct.

Mr. CASS, (resuming.) I was going to remark that, with respect to the creed of the Whig party, or the orthodoxy of the Senator from New York, it is a matter with which I have no concern; but with respect to progress, I have something to say. My progress is within the Constitution. My age of progress is circumscribed there. If the Senator from New York is going out of it, I do not believe in his progress at all. No, sir! My object is to support the Constitution which, under God, is the source of our prosperity and happiness.

Mr. SEWARD, (in his seat.) That is mine.

Mr. CASS. The Senator from New York says, that also is *his* object. If it is, I think he has a very strange way of showing it, by pronouncing it immoral, and denying the validity of its obligations. It would last scarcely a day, if that Senator, with this avowed principle of action, had the direction of the Government. I do not say that it would be dissolved immediately, but the seeds of dissolution would be sown, and would ripen into a harvest of calamity as speedily as the rankest vegetation gains maturity under a tropical sun.

The honorable Senator from Illinois [Mr. DOUGLAS] has the floor to-day, and I do not wish to interfere with that arrangement. I have not concluded my remarks, and I would move to postpone the further consideration of this subject until to-morrow, at half-past twelve o'clock.

Mr. CALHOUN. I have a few words to say in reply to the observations of the Senator from Michigan, and, as it is in reference to a point of some importance, I desire that what I say shall go out with his remarks. I regret very much that the state of my health does not permit me to enter fully into the argument, and that I shall be under the necessity of economizing my words, as well as my strength.

Mr. President, the Senator could not have heard me with more regret, make the declaration to which he has alluded, than I have heard him this morning make the declaration which he has made. Sir, the Senator and myself have two distinct and different conceptions as to the mode of saving this Union. His whole course has been a course of palliatives. And, sir, of all courses, that is far the worst. Why, sir, you might as well treat a cancer, that is about striking into a vital part, with palliatives, as to treat this question with palliatives. No, sir! my idea has been from the first, that it was a disease that would be fatal if not finally arrested; and I have acted upon that impression. If I am wrong, it is because the impression is wrong; and in order to arrest it, it is necessary at every stage of it, to understand the real causes and progress of the disease, and the

causes by which it endangers the Union. In my late speech, which the Senator has heard with such profound regret—and I am amazed that my meaning should be so utterly misunderstood by the honorable Senator from Michigan—I stated simply, and in as few words as I could, what would certainly, according to my judgment, save the Union, promote conciliation, and restore harmony and good feeling throughout all sections of the Union. That was the amount of what I said. Now, I ask, can the Senator believe that the South is safe, while one portion of the community hold entire possession of the power of the Government, to wield it for their own benefit, in any manner they please, and while they see fit to interfere between the two sections of the Union? Can any man believe that the South is safe while this state of things exists? No man can say that he believes it. I do not, at least; and, therefore, all the wonder of the honorable Senator upon that point may cease. But the Senator says, it is impossible to comply with the requisition of giving us a new constitutional guaranty. Well, that very declaration goes to show—

Mr. CASS. The honorable Senator entirely mistakes. I certainly did not say anything of the kind.

Mr. CALHOUN. I said, in my remarks the other day, that such amendment in the Constitution must be made as would give to the South—

Mr. CASS. The Senator will pardon me, I have not alluded to the subject of an amendment to the Constitution. I was coming to it, however, and should have spoken of it before concluding my remarks. I should prefer, therefore, that the distinguished Senator from South Carolina should hear me before he undertakes to reply.

Mr. CALHOUN. I understood the argument of the Senator as leading to that.

Mr. CASS. I hope the honorable Senator will defer his remarks until to-morrow morning.

Mr. CALHOUN. I do not know that an opportunity will then be afforded me of saying what I desire to say upon this point. The Senator says that new guaranties cannot be given by amendments to be made in the Constitution. Sir, I insist that that is the legal and constitutional mode—it is the mode pointed out by the Constitution itself. Why, who ever before heard of such a suggestion as, that to amend the Constitution would be treason? It shows a state of feeling existing in the mind of the Senator which, in my opinion, is inconsistent with judicious action.

I intended to branch off here, and to show, that the distinguished Senator, if this Union is ever to be dissolved, will have contributed his full share to its dissolution; that the very entanglement we are now in, originated in the last Presidential election, and, as I think I have demonstrated, originated in a violation of the Constitution, and in a violation and disregard of the sovereignty of the States. Whenever the Senator chooses to go into a discussion upon this point, I am ready to meet him.

Mr. President, I must necessarily abbreviate what I have to say. The distinguished Senator heard me with painful feelings designate Washington as the illustrious Southerner. Why, the Senator ought to remember, that every effort has been made to take Washington out of our hands; but it seems that the morality of the present time is, that

the assailant is perfectly innocent, and the assailed the only guilty party. Yes, sir! it was endeavored to take him out of our hands; and we are to be stigmatized as disunionists, and his message—his farewell address—to be quoted against us, while I venture to assert, that the greater part of that message bears directly upon the assailants, and not the assailed. It was to meet this, that I reminded the Senate and the world—and rightly reminded them—that Washington was an illustrious Southerner; he was not the less an illustrious American; but I must say, that the whole proceeding here, for the last fifteen years, has been such that, if carried out and consummated, as it will be, unless some definite understanding is arrived at, the end of the whole will be the holding up of Washington as a miserable slaveholder. I do not insinuate that Washington should be regarded exclusively as a southern man; I only say, we have a right to claim him as an illustrious Southerner, for he was a southern man—a southern planter—and we do not intend that he shall be taken out of our hands.

Mr. President, with these remarks, I will content myself for the present, without detaining the Senate further.

Mr. CASS. One word, Mr. President, for I do not wish to be misunderstood: I have not uttered a syllable in regard to the Constitution, or the constitutional amendment suggested by the distinguished Senator from South Carolina—not a word. The honorable Senator supposed that I had arraigned him for seeking a constitutional amendment. Such an idea never entered my head; and allow me to tell the Senator, that that was not the difficulty at all.

Mr. CALHOUN. What was it, then?

Mr. CASS. The ground upon which it was put by the honorable Senator, that if a guaranty were not given to the South, by an amendment to be made to the Constitution, it would be fatal to the country.

Mr. CALHOUN. Certainly; it would, in the end, be fatal.

Mr. CASS. But the honorable Senator said it must be done immediately, or it would be fatal to the interests of the country.

Mr. CALHOUN. No, sir; that is not the language I used.

Mr. CASS. I beg the honorable Senator's pardon; it is so stated in the speech: "If the question 'is not now settled,'" says the Senator, "it is uncertain whether it can ever be settled hereafter."

Mr. CALHOUN. Certainly.

Mr. CASS. And one of the processes by which it is to be done is, by amending the Constitution. There were two points stated by the honorable Senator. One was, that there must be an amendment made to the Constitution; and the other, that the admission of California be made a test question.

Mr. CALHOUN. Certainly.

Mr. CASS. That if California were admitted, it would be followed by a dissolution of the Union.

Mr. CALHOUN. No, sir. I wish the Senator would read the remarks I made in reference to that point.

Mr. CASS. I will read them, sir, with pleasure: "If the question is not now settled, it is uncertain whether it ever can hereafter be; and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can

be settled or not. If you who represent the stronger portion, cannot agree to settle them on the broad principles of justice and duty, say so; and let the States we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so, and we shall know what to do when you reduce the question to submission or resistance. If you remain silent, you will compel us to infer what you intend. In that case, California will become the *test question*."

Mr. CALHOUN. Read on—read the whole.

Mr. CASS. I will, sir.

"If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying, irretrievably, the equilibrium between the two sections. We would be blind not to perceive, in that case, that your real objects are power and aggrandizement, and infatuated not to act accordingly."

Now, is there a Senator here who does not know what that means? I do not affirm that it is objectionable to propose an amendment to the Constitution. Far from it—that is one of the most harmless things in the world; but the admission of California, according to the honorable Senator, is to be made a test question; and it went to my heart's core when I heard the declaration, for I knew very well, if that was to be a test question—if such was the sentiment of the South—the Union was gone. An immediate amendment of the Constitution, I consider almost impossible. I do not say that amendments may not be made; but it should be done only under the pressure of extreme cases, and extreme difficulties; for if we begin to make changes and alterations, he who is the Ruler of nations, alone knows what changes may be made, and what sort of a Government this will become.

In commenting on the honorable Senator's remarks, I have connected these two subjects—the amendment of the Constitution now or at a reasonable time, and the point that was made by him, that the admission of California was to be a test question.

Mr. CALHOUN. I must say there has been a strong disposition manifested on the part of the honorable Senator, to misconstrue my expressions—and plain expressions they are. The Senator says I asserted, that a dissolution of the Union would follow the admission of California. I did not assert that. I stated that it ought to be considered a test question; but I leave it to my constituents to determine what course they will take. Let the gentleman give the words I used, and I am willing to stand by them; but he must not expect me to be responsible for his interpretation of them. Well, in regard to the word "now," I did not intend to be understood as asserting that the amendment must be made *instanter*, but that an indication should be given now, that such amendment would be agreed to, and let it then be carried through the ordinary process.

The debate was then continued by Messrs. CALHOUN, FOOTE, DAVIS, of Mississippi, BUTLER, and DAYTON, and then the Senate adjourned.

THURSDAY, March 14, 1850.

Mr. CASS resumed and concluded, as follows:

Mr. PRESIDENT: Before I resume my remarks at the point where I left off yesterday, I have a question to put to the Senator from Mississippi, who, (said Mr. Cass, looking round,) I am sorry to see, is not in his seat. I regret he is not; but I will postpone the reference I designed making to

him until the close of my remarks, when perhaps he may be here. I spoke to him this morning on the subject, and therefore he is perfectly aware of the question I wish to put.

I was remarking yesterday, when I resigned the floor, that there were certain things we could not accomplish, and others that, with equal certainty, we might take for granted we could do. Among the latter, was the bill providing for the recapture of fugitive slaves; and another object, which I trust will be accomplished, is the providing of a government for the new territories. I think it essential to calm this agitation, and so long as these territories are left without governments, so long will the present state of things continue, and this agitation be kept up, which is so harassing to the tranquillity, and dangerous to the peace, of the Union.

That a law may be passed authorizing the people of the territories to govern themselves, without any Wilmot proviso being attached to it, is my wish and my hope. I am not going to say much upon the propriety of the admission of California, for the remarks, that have fallen from my friend from Illinois [Mr. DOUGLAS] are so well expressed and so pertinent, that they preclude the necessity of entering anew into that topic at any length.

I understood the distinguished Senator from South Carolina to admit, yesterday, that he did make it expressly a test question. As I remarked before, it was this demand of the honorable Senator that excited in my mind serious apprehensions as to the result; for I knew, and every member of this Senate knew, that if this were made a test question, upon which the fate of this Republic depended, that fate was sealed. I trust I may be permitted to say, with regard to this issue, that it appears to me not only unwise but useless, for the reasons so well expressed by the Senator from Illinois, in his speech to-day.

No gentleman on this floor, from the North or the South, the East or the West, will rise in his seat, and say he believes that slavery will ever go into the Territory of California; no one can believe this for a moment. What, sir, would the southern States gain by sending California, after she has come here with a constitution in her hands, back again, to undergo the process of a territorial government, and then to return here a year hence—every year perhaps for ten years—and revive the question anew? What would be gained by it for any portion of the country? Is it a battle worth fighting? Is the object to be accomplished really worth the contest? Sir, there is no object that can be accomplished by such a course of procedure. Under existing circumstances, what kind of territorial government can be established there? Can any territorial government be established? And is this unsettled state of things to go on, from year to year, perpetuating the bitter feelings that have already sprung up between one section of the Union and the other? But I have said also that such a course is unwise; and I trust my southern friends will pardon me for saying, that they are making a very unwise issue.

Sir, we cannot stand before the country, and before the world, and object to the admission of California, on the ground that has been urged. The objection is not to her boundaries, though that topic has been much debated. The honorable Senator from Illinois, whom we have all just

heard with so much pleasure, has discussed the subject so ably and clearly, that it would be a work of supererogation in me to renew it. I myself was at first startled at the boundary claimed, stretching as it does along the coast of the Pacific almost one thousand miles—a much greater extent than any one State in the Union ought to possess. As the Senator from Illinois and myself are together in the same house, we have conversed repeatedly upon this subject, and with an earnest desire to reduce these boundaries, if the nature of the country would permit. With this view, he examined various lines proposed—the parallel of 36° 30', and the southern range of mountains—to ascertain what proper limitation could be imposed upon the new State. But he ultimately became satisfied, that no change could be made. The country between the ocean and the sea is a narrow one, and east of the mountains is a desert, and in proportion to its extent, the quantity of arable land is small. Be the boundaries as they may, it is not probable that its population will ever be as great, as that of some of the other States of this Union. And if its southern boundary were to stop at the mountains, there would be left between them and the Mexican possessions a small district of country, which would have to remain for an indefinite period, perhaps forever, in a colonial condition.

The Senator from South Carolina, [Mr. CALHOUN,] who I regret to see is not in his seat to-day, does not assume this ground as an objection to the admission of California. That objection rests upon her present position and mode of application; because she has established a Government of her own, without passing through a territorial process, and comes here of her own accord, and asks admission into this Union. This ground of objection cannot be maintained in this age of the world, before the people of this country, and, I may add, the people of Christendom.

One hundred thousand American citizens on the shores of the Pacific are, or might be, so far as depends upon our action, in an entire state of anarchy. Three sessions of Congress have intervened since these new territories came under the jurisdiction of the United States, and you have not legislated for them in a single instance, except to make provision for the collection of revenue at their ports. All other duties, devolving upon you as legislators for the entire Union, have been totally neglected. You have used them only for the purpose of collecting taxes from them. Are we, sir, to be told, in the middle of the nineteenth century, that these people, under such circumstances, have no right to form a government? No man can stand up here, and assert this doctrine, and expect to receive the support of the people of this country. My friend from Illinois [Mr. DOUGLAS] correctly said, that the right of government—of some kind of government—was a right inherent in all people upon the face of the earth, and that the establishment of civil and social order was among the first necessities of men, entering into civil society. Without government, they cannot exist; and you have provided no government for the people of California, and it is now contended, that they have no right to provide one for themselves. You have neglected your own duty toward them for the last three sessions, and now, when they come here acknowledging your jurisdiction, and with a constitution in their hands,

you are about to send them back to the shores of the Pacific, to enter into a territorial condition, and to return again at some future time as suppliants for your favor. They love the Union; they have felt its blessings, and desire to secure them to themselves and their posterity. They will have no other standard to wave in the breezes of the Pacific, on their coast, but the standard of their fathers --the stars and stripes of their country. Would to God, that this feeling prevailed with equal intensity at the centre of the Republic, as it prevails at its distant extremity! While they wish to come in, there are those who wish to go out. It is consoling to find, that the patriotic ardor of our countrymen does not diminish, as they recede from the older portions of the Republic. I repeat, they come here, not as revolutionists, but as an integral part of our great community, asking admittance into the Confederacy.

Mr. KING, (in his seat.) Who is it that prevents them?

Mr. CASS. The Senator from Alabama inquires who it is that has prevented them from having a government, and I answer it is the Congress of the United States; and in saying this, I take the blame myself, as one of its members.

Mr. DOWNS. The Wilmot proviso prevents them.

Mr. CASS. I am speaking of the cause of our neglect—the Wilmot proviso is another thing. I am not examining what differences of opinion may have prevented our action. I am speaking of our neglect, and of its effect upon the people of California, and of their justification in forming a State government. What has the Wilmot proviso, or any other difference of opinion here, to do with them? They would still have remained without a government had they not taken their own cause into their own hands, and done for themselves, what we ought to have done for them. Are they to be deprived of social organization, and of all the elements of social order—I may add, of existence, and to be treated by us with contumely and mockery, under the pretence, that we can do nothing for them, because some one thinks proper to introduce the Wilmot proviso into our legislative proceedings?

Mr. DOWNS. Does not the gentleman know, that that is the only reason?

Mr. CASS. To be sure; gentlemen would not have voted for a territorial government clogged with the Wilmot proviso. I would not do it myself. But the great fact still remains. It is our fault that they have no government—it is not theirs; and it is because that question has divided you, and prevented you from doing your duty, that they appear here to-day, and ask justice at your hands.

Mr. FOOTE. Will the Senator bear with me?

Mr. CASS. With pleasure.

Mr. FOOTE I presume the Senator does not wish to do injustice to any one; but he knows well that what may properly be called the Walker amendment was prevented from being adopted, according to his own account, by the Senator from New York.

Mr. CASS. If any gentleman supposes I had the slightest idea of casting censure upon one human being, he is utterly mistaken; such a sentiment never occurred to me. I was speaking of the Congress of the United States, and of the duties

they had to perform and had neglected to perform, and did not intend to reflect the slightest censure upon any gentleman, North, South, East, or West, much less to arraign their motives. I was speaking of the relation, which existed between this Government and the people of California, which has justified, in my opinion, the course they have taken.

Mr. BUTLER. Will the honorable Senator allow me to ask him a question?

Mr. CASS. Certainly.

Mr. BUTLER. Do I understand the honorable Senator now to say, that it was the duty of Congress to have provided a competent government for these territories?

Mr. CASS. There are two positions I have always maintained, with reference to this subject—first, that Congress, under the Constitution, has no right to establish governments for the territories; secondly, that under no circumstances have they the right to pass any law to regulate the internal affairs of the people inhabiting them. The first may be a matter of necessity; and when the necessity exists, if a Senator votes for it, he votes upon his own responsibility to his constituents. If they believe the necessity and support him, he is safe, but if not, he must fall. If I had voted under such circumstances, I must have looked to my constituents for my justification; but under no circumstances could I have voted for any law interfering with the internal concerns of the people of a territory. No necessity requires it; there is no necessity which would justify it.

Mr. CHASE. Will the Senator allow me to ask him a question?

Mr. CASS. Certainly; I stand ready to be catechised all day on this subject, if Senators desire it.

Mr. CHASE. Did I understand the Senator, as saying that, in voting for a bill to establish a government in the territories, he would assume the exercise of any authority not given in the Constitution?

Mr. CASS. The honorable Senator will undoubtedly recollect, that in a historical document called the Nicholson letter, which subsequent circumstances have made somewhat important, I distinctly stated my views upon this subject, and those views have remained unchanged to the present hour—I maintained, that no power is given by the Constitution to establish territorial governments, but that where an imperious necessity exists for such a measure, the legislator, who yields to it, must look to his constituents for his justification.

Mr. CHASE. I understood the Senator to say, that there was no such authority given by the Constitution?

Mr. CASS. I said, that if we do an act not authorized by the Constitution, under a pressure of necessity, that act must be done upon our own responsibility; and I refer the gentleman to the authority of Mr. Madison, who justified the action of the Congress of the Confederation, on the subject of territories, upon this ground—and upon this alone. If the gentleman will take the trouble to look at my speech on the Wilmot proviso, he will find my views on this point distinctly laid down. What is the objection in principle to the admission of California? Allow me to say, that great political rights and move-

ments, in this age of the world, are not to be determined by mere abstract or speculative opinions. There is no want of heavy books in the world, which treat of political science; but you need not go to them to ascertain the rights of men—either individuals or in communities; if you do, you will lose yourself groping in a labyrinth, where no man can follow you. If there are rights of sovereignty, there may be wrongs of sovereignty; and this truth should be held in everlasting remembrance. And this is the case with regard to California. We have rights, and we have duties; and if the former are sacred, the latter should be sacred also. One of these duties we have neglected to perform; and we are told by gentlemen, who have spoken here, that when a State wishes admission into the Union, she should come to the door of Congress and knock for admission. California has thus come, and knocked; but no door is opened to her, and she is to be told, "Go back and wait till we are ready. There is but one door through which you can enter, and that door we keep shut. You must pass through a territorial government; but that government we have neglected to give you, and we are probably as far from establishing it as ever." And such is the paternal regard we manifest toward one hundred thousand American citizens, who are upholding the flag of our country on the distant shores of the Pacific. A good deal has been said about precedents: I am not going to examine either their application or authority, though it has been pretty clearly shown by others, that they fully justify this measure of admission.

Great political measures must be judged by themselves. When new and imposing circumstances dictate an unusual course, they furnish the justification for action, and they furnish also a precedent for future proceedings; and whether such cases as this are to be found in our legislative history, our duty is still the same. That duty imperiously requires the admission of California into our Union. She comes and asks admission—not, as the honorable Senator from Illinois says, in language of equal force and beauty—not to reject your sovereignty, but because her citizens love their native country, know the value of our institutions, and desire to become bone of our bone, and flesh of our flesh. They come, I repeat, not as revolutionists, but as petitioners, asking the greatest favor we can bestow upon them. The distinguished Senator from South Carolina has objected, that we can only admit a State into our Confederacy, and that California is not a State. Well, sir, in my opinion it is a State, and as truly so as any existing under the sun. The honorable Senator from Maine asked the very emphatic question, What constitutes a State? And his answer will find a responsive cord in the heart of every American. He said with truth that it is men who make a State. They do, sir. It is not land, nor trees, nor gold mines; but it is men, by whom and for whom States are constituted and maintained. Why, sir, any other doctrine would carry us back to the worst portion of the middle ages, when Governments were instituted for the protection of the few, and men without property were men without rights. Doctor Franklin, with his native good sense—and, I may add, his native good humor—rebuked this principle of legislation in a manner far more significantly than could have been done by

the most labored argument. He said that a certain amount of property is necessary to entitle a man to a vote. He possesses a jackass to-day of the requisite value, and can exercise this right. To-morrow the jackass dies, and he loses it. To whom does the right belong—to the man or the jackass?

[Here Mr. BUTLER said something in a tone inaudible to the reporter, to which Mr. CASS replied, I go for the man, and not for the jackass.]

But, Mr. President, there are other considerations, which seem to me forcibly to urge the admission of California. The Senator from Illinois truly said, that the pride of opinion is strong in the human breast, and that it belongs as well to communities as to individuals. The Wilmot proviso is offensive—justly offensive—to the southern section of the Confederacy—offensive, independently of its practical consequences. It is considered an arbitrary assumption of power, and is, therefore, resisted, agreeably to the established laws of human nature. We oppose instinctively all improper assumptions of authority over us, without stopping to inquire into the pecuniary value they may affect. No man is willing to have a measure forced upon him. Now, the people of California have been driven by necessity to take this matter into their own hands. They have decided the question for themselves. There is no offence to the pride of the South or of the North. There is no invidious Wilmot proviso to be passed, north or south of 36° 30'. There is no pride of opinion involved, and no overbearing act of one portion of the country against the other; and therefore the admission of California removes much of the present controversy in a manner that spares the feelings of all.

I regret, sir, that the Senator from South Carolina is not present, as I desired to extend my remarks further than I shall now do. I have already said, that the speech of that honorable Senator inevitably leads us to the conclusion, that upon the admission of California depends, in his opinion, the dissolution of the Union. He likewise contended that an amendment to the Constitution was indispensable, and his remarks on yesterday seemed to connect the fate of the country with the accomplishment of this object.

Mr. DOWNS. The Senator from Michigan states that the Senator from South Carolina remarked, in his speech, that this amendment was indispensable. Now, I may have misunderstood his words, but certainly I think he only said that it was desirable.

Mr. CASS. I do not desire to exchange words upon this point, and have not the slightest disposition to provoke debate upon it. In order to satisfy the Senator from Louisiana, I will read the Senator's own words:

"The North has only to will it to accomplish it; to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing her stipulations, relative to fugitive slaves, to be faithfully fulfilled; to cease the agitation of the slave question; and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision, one that will protect the South, and which at the same time will improve and strengthen the Government, instead of impairing and weakening it. But will the North agree to do this? It is for her to answer this question. But I will say she cannot refuse, if she has half the love of the Union which she professes to have, or without justly exposing

herself to the charge, that her love of power and aggrandizement is far greater than her love of the Union. At all events, the responsibility of saving the Union rests on the North, and not on the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice, and to perform her duties under the Constitution, should be regarded by her as a sacrifice. It is time, Senators, that there should be an open and manly avowal on all sides, as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can hereafter be; and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can be settled or not. If you, who represent the stronger portion cannot agree to settle them on the broad principle of justice and duty, say so, and let the States we both represent, agree to separate and part in peace."

I have not another word to say, Mr. President. If these remarks do not justify the conclusion I have drawn from them, I do not know what can.

Mr. DOWNS. Do I understand the Senator as saying that he understood the Senator from South Carolina as asserting that the amendment should be made now?

Mr. CASS. The Senator from South Carolina, in the explanation he gave us, said he did not require it to be done now, but that it was indispensable that it should be done. Am I not right?

Mr. FOOTE. The Senator from South Carolina said, I believe, that it would be indispensable ultimately. That, I think, was the word he used.

Mr. BUTLER. I know it may be expected that I should be able to indicate what are the precise opinions of my colleague, but I have, in reality, no more knowledge of his views, than is, or may be, in the possession of any Senator; but I did understand him distinctly to say, so far as I can infer from other sources—I believe it is his opinion—that when the northern States shall have acquired such a predominating influence in the councils of the nation, that there shall be no security for the South against their abuse of power, that then there should be inserted in the Constitution some provision by which the minority shall have it in their power to avoid becoming a despised and degraded minority. Sir, that is his idea; and I will say in this connection—and I endorse his view to this extent—that I do not see that we have any security in the forbearance of a northern majority. I am free to say that I do not feel security from that source, because, when I hear one gentleman say that he holds to one part of the Constitution and disregards another, according to his conscience, and others come in and say that they will break it down, so far as they understand its provisions, what security have we for the preservation of our rights, unless we have something to rely upon by way of a veto?

My colleague has not intimated that the Union may not continue for many years to come; but what sort of Union is it, by which we are bound together, when the elements of strife are introduced here every day? He has always adhered to the Union, and he wishes to restore to it the elements of its prosperity, by producing harmony and conciliation; and they are attained by the North doing justice and conceding to the South an equal right in the acquired territory, by complying with the requisitions of the Constitution in relation to the delivery of fugitive slaves, and by ceasing the agitation of the slave question, and by providing for the insertion of some provision in

the Constitution which will give to the South some security that her rights will be respected.

Mr. DOWNS. With the permission of the honorable Senator, I will state that I believe it was not understood, without going minutely into the views expressed by the Senator from South Carolina, that I believe he was not understood by southern members of this body generally in the sense in which the honorable Senator from Michigan understood him. I certainly did not so understand him, and I am not aware that any southern Senator did.

Mr. FOOTE. I understand now, from the explanation that has been given by the colleague of the honorable Senator from South Carolina, that it is the opinion of both these gentlemen that an amendment to the Constitution is indispensable. Does the Senator from Louisiana doubt that such is their opinion?

Mr. DOWNS. I did not so understand the gentleman.

Mr. FOOTE. The Senator from South Carolina said there should be such a provision in the Constitution as would amount to a veto power in favor of the minority.

Mr. CASS. Gentlemen will remember that my time is very limited.

Mr. DOWNS. I trust the Senator will allow me to finish the sentence that I have commenced. Without going into a minute analysis of the speech of the honorable Senator from South Carolina, I say now that I did not put the construction upon it which is put by the honorable Senator from Michigan, and I believe that southern Senators generally did not.

Mr. BORLAND. As one southern Senator, I will say that I did not.

Mr. DOWNS. I know of none that did.

Mr. RUSK. Will the honorable Senator from Michigan allow me simply to say, that I hope the Senator from Louisiana will not make a construction, or assume to speak for the entire South. We are all here. I do not choose that the Senator shall make a construction for me—that I can do for myself. I do not choose to enter upon that matter now. I have not investigated the subject; but I hope the Senator will not assume to speak for the whole South.

Mr. DOWNS. I do not intend to speak for anybody but myself; but, so far as I know, or have heard, the view that I have stated is that taken by the whole South.

Mr. FOOTE. I hope the Senator from Michigan will permit me to add a single word. I know that the construction which I placed upon the honorable Senator's remark, is the construction that was given to it by nearly all the southern members of this body. I could give their names, if necessary. I have said so before, and my word is not to be disputed by any body.

Mr. DOWNS. I did not dispute the assertion of the honorable Senator; but I have a right to speak for myself. I have not conversed with the Senator from Texas, nor with any other Senator, in regard to it. I do not make it a business to do so; but I hear what Senators say to me, and I now say again, that the Senator from Mississippi, up to this time, is the first Senator who has put the construction that is now contended for, upon the speech of the distinguished Senator from South Carolina. I speak of what I know. It is true, I

may be mistaken; but I do not coincide in that construction, and I believe there are many from the South who do not.

Mr. CASS. May I be permitted to say that I must request Senators no longer to interrupt me. I hope I shall be allowed to go on, as my time is short, and I will finish what I have to say in a very few minutes. I am generally quite accommodating, but upon this occasion I must insist that there be no more interruptions.

I am not going to dwell upon this point of construction. God knows I have not the slightest wish to misrepresent the opinions or the objects of the Senator. I have only to say, that any man, who reads the speech, must come to the same conclusion, that, in the opinion of the Senator, the dissolution of the Union, if not altogether, was almost inevitable. When I alluded to this subject yesterday, saying that, agreeably to the views of the Senator from South Carolina, if the amendment of the Constitution did not take place *now*, "it would (in his own words) be fatal to the country," the honorable Senator answered "certainly it will in the end." The Senator says expressly, in his speech, the amendment must be made *now*. Yesterday he explained, and I took his explanation with the greatest pleasure—that he conceives an amendment necessary to be made, but that he does not conceive it is necessary to be done *now*. That is all I have to say in regard to this matter. Immediate or remote, his amendment, I conceive impossible. What, then, is the avowed object of the Senator from South Carolina? He says he seeks to establish an equilibrium in this Government. I do not know precisely what is meant by an equilibrium in a Government. I do not know in what way legislation is to be exactly weighed or measured, with reference to the various sections or interests of the country. There has never been such a political expedient since the commencement of this Government, or indeed of any other—and there never can be. When the Government came into operation, there were six slave and seven non-slaveholding States. The majority, therefore, in this Senate was in proportion then what it is now. There was of course no sectional equality, and if a disposition had been felt to oppress the South, it could have been as easily indulged by the Northern statesmen at that day as at this; for if your equilibrium is not perfect, you have no security from this new contrived equipoise. If the majority is disposed to disregard all constitutional checks, and to oppress the minority, that can as well be done by a small preponderance in the legislature as by a larger one. The security now is just what it was, when the Constitution went from the hands of its framers.

But what kind of equilibrium could be established? Is every section of this country—North, South, East, and West—is every interest, manufacturing, agricultural, commercial, and mechanical, to be weighed each against the other? Is each to hold the Government in a state of equipoise? What it would become in such a case, while in nominal operation, no man can tell. We can all tell, however, what it would not do: it would leave its great functions unperformed, and would, ere long, die in the affections of the people, as it would be already dead to their interests. Who ever heard or dreamed of such a Government? I

believe the Constitution was intended to provide for every interest; but each must be cultivated and protected, as the circumstances of the country may require, without the vain attempt at mathematical accuracy in the progress of public affairs.

In the days of Solomon it was said that there was nothing new under the sun; but I confess, that a perfect equilibrium, for all time and for all interests, be these interests greater or smaller, would be something new. There is a difference of opinion, respecting the constitutionality of the Wilmot proviso. The attempt to enforce it is not the result of any arbitrary disposition to injure the South, but arises from a belief that the measure is legal and salutary. These differences of construction are inseparable from human language; and he who expects to prepare a written constitution, carrying with it universal concurrence of opinion, in all its constructions, indulges a chimera, as wild as ever presented itself to any man, sleeping or waking. I ask, sir, when did the North seek to injure the South, or when did the South seek to injure the North, in the mere wantonness of oppression? This charge of sectional rivalry, I know, has been a fruitful theme of discussion among the political parties of the day, but it has no real foundation in the progress of our history. We have gone on, sir, increasing in power, in all the elements of prosperity, with a rapidity, unknown among the nations of the earth. The charge, indeed, is not new—it goes back to the days of Mr. Jefferson. When the aggressions of England required counteracting measures to be adopted by this country, non-intercourse, and the embargo, and finally war, were resorted to in defence of our rights and independence. At that time a powerful party in the eastern States desired to secede from the Union. They said then, as is said now, There is a sectional majority against us; they disregard our rights and destroy our interests; and we will go out from among them. There was not an argument used then, which is not used now; nor a measure proposed (except an equilibrium, which it had not entered into the heart of man to conceive) that is not now proposed. There are some of us yet here, who were living at that period, and participated in these events; and the younger generation well know, that these facts stand prominently forward in the history of their country.

Sir, the objection of the Senator from South Carolina is repeated here to-day by his colleague, and it amounts to this: that if you give power to a government, it may be abused. So it may; and I should like to see the Government where power cannot be abused. It would be another new thing under the sun. We may all suppose cases of extreme oppression, where a State would be justified before the world in resisting the acts of a majority, and in seceding from this Union or from any other. We can all suppose such a case; but sufficient unto the day is the evil thereof; and when that evil day comes, let those, who have the responsibility, act upon it, and decide for themselves and for their posterity. There has generally been a sound public opinion existing in our country. Wisdom and patriotism are found in the people, as well as in both Houses of Congress, and in the State Legislatures, whose influence is everywhere felt and appreciated; and these are salutary checks against the abuse of power. And we happily possess another institution—the Supreme Court—

which contributes its full share to the stability of our institutions. There are nine men, advanced in years, with neither the power of the sword nor of the purse, whose decisions are received with confidence, and obeyed with alacrity, from one end of this broad Republic to the other. It is an oasis in the desert of politics—a green spot for the eye to rest upon. It is a tribunal of which we may all be proud. There is none higher upon the face of the earth. By their ability, their dignity, their impartiality, their unimpeached probity, the judges have won the respect of their countrymen; and besides the performance of their judicial functions, they everywhere exert a salutary influence upon public opinion. It is refreshing to leave these chambers of discussion and dissension, and to enter the hall below us, and mark the tranquillity and wisdom, with which the high interests of the community are there considered and determined.

Sir, at the last session of that Court a sublime moral spectacle was presented, of which every American may justly be proud. One of the greatest States of this Union appeared at the bar and made itself a party, asking the Court to judge its cause, and to remove certain impediments to the navigation of the Ohio river, which were considered an injury by the Commonwealth of Pennsylvania. Yes, like an individual, that State asked the Court to sit in judgment upon the cause, and to do her justice. Who would witness such a spectacle, if this Union were dissolved? Differences like this would then be adjusted, not by reason, but by the strong hand. Another similar scene passed in the same place a short time since, when two States, members of this Confederacy, disputing about their boundaries, asked this court to decide between them; and the court did decide; and I understand the line they fixed, is now running by commissioners, armed only with a slip of paper, and through a country heretofore highly excited by this question, but now calm and satisfied, leaving the surveyors to perform their duty with as much safety, as if protected by all the force of the Republic. Such lines elsewhere are run by armies, and marked by the sword. Thus it will be seen that our Government has a mode of settling difficulties—a constitutional mode—that ought to command the assent of all.

I do not deny, that there may be great political cases where this court can have no jurisdiction. When such cases arise, I trust a peaceable remedy will be found for their adjustment. I leave that to time and events. It is one of our national characteristics to neglect our immediate advantages, and to look forward to some great calamity, which is to overtake us after the lapse of centuries.

The Senator from South Carolina [Mr. CALHOUN] has not stated the amendment, by which he proposes to secure the equilibrium of the Government. There are, however, two indications in his speech, which leave but little doubt as to the nature of the remedy, though its details must of course be conjectural. He pointed out two difficulties in the operations of the Government, which it would be necessary to obviate:

First, that it claimed to use force in order to carry into effect the powers it felt authorized to exercise. Well, sir, what Government exists, or ever existed, which does not use force? Human beings are influenced by hope and fear, (I leave higher considerations out of view in this discus-

sion,) and, as no Government is rich enough to buy obedience, it must compel it by force.

The second difficulty is, that the Government assumes to judge of the extent of its own powers. It does so, and necessarily; and so must every other Government, in a greater or less degree. I do not propose to enter into any argument upon this point, nor to investigate the course necessary to pursue in the event of collisions of opinion between the General and State Governments. That must be determined by events, as they arise. I merely allude to these topics briefly, in order, by ascertaining the evils supposed to exist by the Senator from South Carolina, to ascertain the nature of the remedy he is desirous of applying to them. He is seeking a constitutional remedy, which shall produce an equilibrium, by which the rights of every section and of every interest of the country can be preserved from aggression. The South is not the only section which is liable to oppression. There are also the East, the West, and the remote West, which may have the same cause of complaint; and the various interests I have already enumerated may, in like manner, each demand peculiar protection. There is to be some controlling principle within the Constitution, by which its operations may be regulated when these several sections or interests may consider their rights assailed or endangered; for I do not suppose the honorable Senator is so local in his views, as to propose a remedy, which shall not be applicable, under similar circumstances, to every portion of the country. And that remedy is an equilibrium, as it is called, which, when translated into English, means a plan by which a sectional minority may, at its pleasure, control or suspend the operations of the Government. I have already said, that the general plan is more easily ascertained, than the specific details. Well, sir, such an equilibrium, instead of being a balance-wheel, would be a check-wheel—it would turn the wrong way—it would stop the whole operations of the Government, placing it, in fact, under the control of a minority.

Now, sir, these minority Governments are not new in the world; they have existed since the institution of civil society, and will continue, I suppose, until it is terminated. There are many of them found in Europe, and in other quarters of the world. There is one at St. Petersburg, another at Constantinople, and another at Vienna; and these Governments take very good care of the rights of the minority; but I do not see the advantage of the plan, for I believe the rights of the majority are very little regarded—at any rate, such is the opinion of the Poles and of the Hungarians, and of many an oppressed people beside. It is all idle, sir, to talk of such a plan. Provide proper checks and limitations for all sections and interests as a just foresight may require; but after this is done by the Constitution, the Government must be conducted agreeably to the will of a majority, unless you choose to entrust your rights to a single man, and thus establish a despotism. That, I suppose, is the perfection of a minority Government. No intellect, however profound, can give plausibility to such a scheme, or obviate the insuperable difficulties, which would present themselves in any political organization, thus strangely constituted. The machine would stop by its own inherent arrangements. Such minorities would,

in fact, become majorities, controlling public affairs at their pleasure.

Mr. President, I will terminate my remarks as speedily as possible, and I trust the Senate will bear with me a little longer. There are one or two circumstances, alluded to by the Senator from South Carolina, which I desire to notice, and which appear to me not a little extraordinary. I hold in one hand the speech of the Senator from South Carolina, and in the other the speech of a gentleman from Pennsylvania, [Mr. STEVENS,] delivered the other day in the House of Representatives—a gentleman who, in all his opinions upon the subject before us, so far as we know, is directly the opposite of the Senator from South Carolina—ay, as far as the antipodes—as far asunder as the poles. *The bane and antidote are both before me.* The distinguished Senator from South Carolina says, in that speech, that this Government is one as absolute as that of the Autocrat of Russia. The expression is strong, and I will read it from the speech, so that I may not be accused of misrepresentation:

“What was once a constitutional Federal Republic, is now converted in reality into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute Government that ever existed.”

Mr. BUTLER. Who says that?

Mr. CASS. Your colleague, the distinguished Senator from South Carolina.

Mr. BUTLER. I thought you were reading from another speech.

Mr. CASS. No, sir; from the speech of your colleague. He says, that this is the most despotic Government on the face of the earth. Well, sir, the Representative from Pennsylvania reiterates a similar sentiment, and speaks of this Government as a despotic one. All this shows how often extremes meet in this world; and it is not a little curious, that both these gentlemen, in the illustration of their views, refer to the Autocrat of Russia.

We lose all our confidence in the force of language, and in the authority of years and intellect, when such extravagant assertions are presented to us. Is there a man in this broad land, who does not know, and feel instinctively, that he is free? And yet he is told seriously—not in an extemporeaneous debate, such as we are now engaged in, when no man should be held to a rigid accountability for his expressions—but in a prepared speech, written and printed before its delivery, and laid upon our tables immediately after—and I believe, sent through all parts of our country contemporaneously—we are told, I say, that this is the most despotic Government on the face of the earth! And who tells us so? One of the most distinguished men of this country—a man who has rendered her important services, and occupied high places in her councils, for more than one-third of a century—possessing the brightest intellect and unspotted integrity, and who has won a world-wide reputation! What will be thought and said of this in Europe—in republican Europe—in monarchical Europe? Why, sir, it is on its way to Siberia already. It will be transferred into every paper on the eastern continent, and even the Siberian will be admonished, that he lives under a paternal Government, far better than that despotic democracy, nicknamed the Pattern Republic, on the other shore of the Atlantic—thus characterized by one of its most renowned citizens and highest

officers. All this does serious injury to the cause of freedom throughout the world. Out of our own mouths are we condemned. Let an American go to Europe, and if he come back, and does not say, that this is not the worst Government on earth—nay, if he does not say it is the best—let his countrymen distrust him. His head or heart is wrong—probably both. Another word, and I abandon this topic.

Mr. President, I am going to give one proof—one irrefragable proof, that will not be contradicted, and which, indeed, admits of no contradiction—that this, instead of being the most despotic, is the freest, Government in the world. I ask every one in the Senate chamber, actor or auditor, whether, under any other Government now in existence—be it a constitutional monarchy, an aristocracy, a democracy, or a despotism—if such a speech as that we heard from the Senator from South Carolina, could be delivered with impunity? That is the question I ask. Go to Europe, to Asia, to Africa, for an answer, if you need one. He who should make such an experiment in St. Petersburg, would find himself on the road to Siberia in half an hour; and in Constantinople, he would find the bow-string around his neck in the same time; and in Vienna he would soon be immured in one of those dungeons, deep, dark, and damp, where the fires of life and liberty have been so often extinguished together. In England, it would send him to Australia, where many a good man has been transported for language less significant. There is not another country on the face of the earth, where a man could make such a speech with impunity. I thank God, that this is so, and that a man may say here what he pleases, and as he pleases. He may assail the Government with perfect safety, its principles, its practices, and its tendencies; and there is no one to make him afraid. All this but provokes investigation, and the more our institutions are investigated, the stronger will they become in the hearts of the people, who will continue to love the Government, which has given them a greater measure of prosperity, than any other people ever enjoyed, and will support and defend it against all assaults. Such sentiments never struck my ear before in this high place, and I trust I may never hear them again.

There is another subject, to which I must allude. Almost at the time the Senator from South Carolina was endeavoring to show how the North had injured and oppressed the South, and how the Government, or rather the majority, had gone on to assume despotic power—almost at that very time, a distinguished member from Virginia, in the House of Representatives, [Mr. MEADE,] was placing in singular contrast, the authority, which the South had gained and exercised over the Government of the country.

“*Though we have been in a numerical minority in the Union for fifty years, yet, during the greater part of that period, we have managed to control the destinies of the Union. Whether on the battle-field, or in the council, the sons of the South have taken the lead; and the records of the nation afford ample testimony of their superior energy and genius.*”

Well, sir, put this and this together, and then see who is right. I state the facts. I leave these gentlemen to settle their own controversy. I do not deny—no man is more ready than I am to acknowledge—the obligations we owe to the South, to

Washington, to Jefferson, to Madison, to Monroe, to Jackson, and to the distinguished men the South has sent here to preside over the Executive department of the Government, or to assist in its operations. They have won imperishable fame for themselves, and imperishable honor for their country. I accord to them the full meed of praise, for I have no sectional feeling to interfere with my sense of justice, and I love the South as the North or West. I have been so much of a wanderer, during my life, that sectional feeling is absorbed in a general one, and I love my country, and my whole country, with equal ardor. Abroad, it is the name of American, which inspires honor and confidence, and not the name of Virginian, or Pennsylvanian, or any other less eminent in our country. I repeat, that southern statesmen, when conducting our affairs, have conducted them with ability and success; and the best proof of this is the prosperity we enjoy, and the proud eminence we have attained.

I desire to refer to another fact. The distinguished Senator from South Carolina speaks of the disastrous effects of the Union upon the material interests of the South, while the Senator from Louisiana [Mr. Downs] endeavored to prove, the other day, that in all the elements of prosperity the South were better off than the North. Let any man, who will, reconcile these differences—if he can. It is an effort I shall not undertake. I think it proves to the satisfaction of every moderate man, that the whole matter is greatly exaggerated, and that expressions are used, and facts assembled together—sometimes indeed in an imposing form—which furnish no justification for the serious conclusions presented to the country. But, sir, instead of depreciating one section and exalting another, let us all join together to thank that God, who enabled our fathers to assert their rights, and who, we may humbly hope, will enable their sons, if they are not struck by judicial blindness, to maintain them, and to transmit them, unimpaired, to their posterity.

Mr. DAVIS, of Mississippi. I understand that the honorable Senator from Michigan expressed a wish to ask me a question.

Mr. CASS. Yes, sir. I wished to ask the honorable Senator from Mississippi if he would vote for the Missouri compromise?

Mr. DAVIS, of Mississippi. I will answer the Senator from Michigan with great pleasure. I have stated on several occasions that I would take the Missouri compromise. This I have said deliberately and decidedly, on several occasions, and explained at some length in a recent speech on the resolutions of the Senator from Kentucky. I have stated that I considered it as an ultimatum, less than I believed to be the rights of the South, but which I would accept, to stop the agitation which now disturbs and endangers the Union.

Mr. CASS. As I had a conversation with the Senator on this subject in the morning, I supposed he understood the precise object I had in view. As this, however, appears not to be the case, I will ask him if he would accept the Missouri compromise, as it was regulated by the statute providing for the admission of Missouri into the Union?

Mr. DAVIS, of Mississippi. I understood the Senator, in a conversation this morning, to make that inquiry. I then told him that I would not. I now answer before the Senate, No. To meet this

inquiry, I waited in the Senate chamber, expecting that he would, at the expiration of the morning hour, address the Senate; but, as he did not, I left here, (when the Senator from Illinois was addressing the Senate,) to answer a summons to see a sick friend. I returned a few minutes, as I was informed, after the Senator from Michigan commenced his address, and learned that he had signified a wish to ask me a question. It seemed to me proper to remind him, at the close of his remarks, of the wish he had announced. I now answer his question in its modified form. I would not take the terms of the Missouri act, but would accept its spirit if presented in terms applicable to this case. When I spoke of the Missouri compromise, I spoke of it as an arrangement by which the territory was divided between the slaveholding and the non-slaveholding interests; I spoke in reference to the result—the intent of that compromise—which gave to each a portion. I have always been ready to rebuke that mean spirit that would evade its true meaning by a delusive adherence to its words.

I would not take the compromise in the terms by which it was applied to the remaining part of the territory acquired under the name of Louisiana. I would not take it as applied to Texas, when that State was admitted into the Union, because the circumstances of both were different from those of the Mexican territory; but I would take it, if made applicable to the existing case, and extended to the Pacific. I considered that, when the Senate had yesterday voted to receive petitions and to refer them to committees, to consider upon the power of this Government over slavery in the territories, over slavery in the District of Columbia, and over the future admission of slave States, we had taken one great step in advance, and one which should awaken the apprehension of the South; and when, in close connection with this action of the Senate, followed the remark of the honorable Senator from Michigan, that the Missouri compromise could not be extended to the recent acquisitions from Mexico, I looked upon it as a conjunction in our political firmament, which boded evil to those likely to be destroyed by the joint attraction of these planets. It was therefore that I spoke of the declaration as a thing to be noted—marked as the foreshadow of an event. If we are not to have non-intervention, the right to go into these territories and there claim whatever may be decided to be ours by the decree of nature—if we are to be debarred from acquiring—by emigration, by enterprise, by adventure, by toil, and labor—equally with others, from the common domain of the Union—if we are to be forbidden to use the commons belonging to the common field, of which we are joint owners—if, in addition to all this, we are told that no division can be made—that all of that which we owe in common must finally become the exclusive property of the other partners—in truth, sir, we are rapidly approaching to that state of things contemplated by the Senator from South Carolina, [Mr. CALHOUN,] when, without an amendment of the Constitution, the rights of the minority will be held at the mercy of the majority. Give us our rights under the Constitution—the Constitution fairly construed—and we are content to take our chance, as our fathers did, for the maintenance of position in the Union. We are content to hold on to the old compact; and, as we believe in the

therits of our own institutions, we are willing to trust to time and fair opportunity for the working out of our own salvation. If we are to be excluded, by Congressional legislation, from joint possession on the one hand, and denied every compromise which, by division, would give us a share on the other—neither permitted to an equality of possession as a right, nor a divided occupation as a settlement, between proprietors—I ask what is the hope which remains to those who are already in a minority in this Confederacy? What do we gain by having a written Constitution, if sectional pride or sectional hate can bend it, as passion, or interest, or caprice may dictate? What do we gain by having a Government, based upon this written Constitution, if, in truth, the rights of the minority are held in abeyance to the will of the majority? And now, I ask the Senator from Michigan a question: Will he not, under the crisis which hangs upon the fate of the country—will he not support the Missouri compromise—the spirit of the compromise—for a division of the territories between the two interests of the Confederacy?

Mr. CASS. I will answer the Senator. I spoke of the Missouri compromise, which established a line that ran through a country, in which slavery existed, and which declared that slavery should be excluded north of that line, and left the country south of it, as it found it, to continue slavery or to exclude it, as the people might judge best. I say that my doctrine for the whole territory is non-intervention.

Mr. DAVIS, (in his seat.) I prefer that, too.

Mr. CASS. I agree, therefore, with the Senator from Mississippi. I say that this Government has no right to interfere with the institution of slavery in the territories; and I say, if the South think they have rights there under the Constitution, in God's name, let the Supreme Court determine the question. No one can object to that.

Mr. DAVIS, (in his seat.) But we cannot get there.

Mr. CASS. I do not know that. I think otherwise. I would observe, and the Senate will remember, that the point in issue was the Missouri compromise; and now I understand the Senator from Mississippi would not vote for that measure, unless it was accompanied with the declaration that slavery should, or may, or does, exist south of the line. Do I understand him aright?

Mr. DAVIS, of Mississippi. I have several times had occasion to explain that point, which has been attacked by gentlemen of the North as an inadmissible claim. I will agree to the drawing of the line $36^{\circ} 30'$ through the territories acquired from Mexico, with this condition, that in the same degree as slavery is prohibited north of that line, it shall be permitted to enter south of the line; and that the States which may be admitted into the Union shall come in under such constitutions as they think proper to form.

Mr. CASS. With respect to the last point, I imagine there would be no difference between us. With respect to the other, the proposition is intervention north, and non-intervention south of the line, without conferring any rights on the South. It would be of no practical utility whatever to that section of country, unless accompanied by some legislative declaration on the subject. I repeat the belief, that we have no authority to say that slavery shall or shall not exist in the territories of the United States. It is a matter to be left wholly to the people of the country to decide. That is, I think, the true doctrine. I have ever maintained it, and unless I change greatly, I shall abide by it.

Mr. DAVIS, of Mississippi. The Senator does not exactly comprehend my meaning. He and I do not differ much as to the powers of Congress over the territories. The difference between the honorable Senator and myself seems to begin just where he ceases to answer. I say that if we cannot be permitted, free from Congressional interference, to go into these territories, and test our rights, and opportunities under the Constitution and by the law of nature, and before the Supreme Court of the United States, shall this agitation continue—shall this sectional strife be unassuaged? Will not the Senator, like myself, come down in this stage of the question, and take less than his own standard—take the Missouri compromise in terms adapted to these territories?

Mr. CASS. What I would not do to save this Union from dissolution, if dissolution were impending over it, and to be averted only by one course of action, it is difficult to say. I would do almost anything.

I desire to advert to another topic, and that is, one relating personally to myself. I need not remind the Senate, that within a short time I have passed through a very severe ordeal for any reasonable man. I said, and I said truly, when the Senator from Kentucky remarked, a few days since, he was the best abused man in the country, that he was so with one exception. That exception my modesty prevents me from naming. During that campaign I was silent, and left the falsehoods which in this country seem to belong to such a contest, to serve out their purposes, and then to die; but when these things are resuscitated and repeated here, or in the other branch of the National Legislature, I choose to defend myself. I am not now in a position which precludes me from the exercise of that right, and I will exercise it, in my place, when the nature of the assault, or the standing of the assailant, may render this necessary. I owe this duty to my constituents, by whose favor I am here, not less than to myself. A gentleman from North Carolina [Mr. STANLY] said, in the House of Representatives a few days since, that "Taylor beat Cass, who thanked God he never owned a slave," &c. I never said this; it is one of the unfounded stories, whose functions having been fulfilled, is thus suddenly called from its resting-place, for some purpose, I know not what. It is an expression I never used—it conveys a meaning I utterly disavow. I do not arraign the motives of the gentleman who has thus arraigned me; he had heard the story, and, I presume, believed it; but he should have ascertained the facts, before he thus summoned me—not in the heat of an excited contest, but in the cool hours of legislation—to the bar of the House of Representatives, and, in effect, to the bar of the country. The charge, sir, places me in the position of a Pharisee, thanking God that I am better than the men of the South, and free from offences, which they commit. All this is as contrary to my feelings, as to my habits. I cast no reflections upon the South then, or at any other time.

What I said and did, I will now state, and if a single Senator on this floor will condemn my

course, I will then confess, that this charge is not as wholly groundless as it appears to me.

While I was in France, it is well known that Great Britain had formed a plan, by which she intended to gain the command of the seas. There is no secret about this now, and it has been openly avowed. Her object was, under the pretext of putting an end to the slave-trade, to board our vessels, which would have been followed by the imprisonment of our seamen, and other acts of aggression, incident to her naval superiority. My friend, Mr. Stevenson, was then our representative in London. It is the first and great duty of an American minister abroad, when the rights of his country are assailed, to assert and defend them. Mr. Stevenson did so in an able and fearless manner, in a correspondence marked with signal ability. During the progress of the controversy, the public mind in England became much excited, and there was a strong effort made to connect the continuance of the slave-trade with the condition of slavery in our country, as though the former were essential to the latter. All the tirades against slavery, we sometimes hear at home, were poured out there.

The Senator from Massachusetts, in his eloquent speech the other day, spoke of a Congressional and an American vocabulary; but I can tell him there is such a thing as an English and a Parliamentary vocabulary, and I have never heard a worse one, when circumstances call it out, on this side of Billingsgate. Well, sir, my friend Mr. Stevenson received his full share of these choice compliments. What was said? Why, that he was a slaveholder and a slavebreeder, and therefore his testimony was discredited and worthless; that he was an interested witness, and not to be believed; and all this produced its effect upon the excited temperament of the English people. When it came to my turn to take part in the defence of my country, I explained my views in a pamphlet, from which I will read an extract:

"As to the *status* of slavery itself, it were idle to contend it is illegal by the common consent of mankind. It has existed since the earliest ages of the world, and there is probably no nation, ancient or modern, among whom it has not been known. By some it has been abolished, and where it yet survives, we hope its condition has been meliorated. This is certainly true of the United States. A general disposition is gaining ground to improve the situation of this unfortunate class of society. This is felt in the southern States of the American Confederacy, as well as elsewhere, and he who should judge of the treatment of the slaves in that region, by their treatment in the West India colonies, would do the southern planter egregious injustice. *

"We are no slaveholder—we never have been—we never shall be. We deprecate its existence in principle, and pray for its abolition everywhere, where this can be effected justly, and peaceably, and safely for both parties. But we would not carry fire, and devastation, and murder, and ruin, into a peaceful community, to push on the accomplishment of the object. But, after having visited the three quarters of the old continent, we say, before God and the world, that we have seen far more, and more frightful misery, since we landed in Europe—and we have not visited Ireland yet—than we have seen among this class of people in the United States. Whatever may be said, there is much of the patriarchal relation between the southern planter and the slave. And as to the physical distress, which is seen in Europe, resulting from a want of food, and from exposure to a rigorous winter, without adequate clothing, we believe it to be so rare as not to form a just clement in the consideration of this matter. But the subject of the emancipation of two millions and a half of human beings, living among another population, of different race and color, and with different habits and feelings, is one of the gravest questions which can be submitted to society to solve. It can be safely left only to those, who are to be so seriously affected by it; and there it is left by the Constitution of the United States. It is a matter with which the General Government has no concern."

There is the testimony, which I bore to the condition of American slavery while in Europe, and for which I am now condemned in the House of Representatives. Why did I speak thus? For the purpose of showing, that I was a disinterested witness, and that my statements were not subject to the suspicions attempted to be cast upon Mr. Stevenson. Here I close my extract, and my defence, and leave gentlemen from the South to assail me for my assault upon that section of our common country and its institutions.

